

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 07-4824(DSD/JSM)

Steven E. Rousseau,

Plaintiff,

v.

ORDER

Henn. Cty. Adult Protection,

Defendant.

This matter is before the court upon plaintiff Steven E. Rousseau's objections to the report and recommendation of Magistrate Judge Janie S. Mayeron dated December 18, 2007. In her report, the magistrate judge recommended that plaintiff's application to proceed without prepayment of fees be denied and the action summarily dismissed.

The court reviews the report and recommendation of the magistrate judge de novo. 28 U.S.C. § 636(b)(1)(C). Plaintiff objects to the magistrate judge's conclusions that he failed to name a cognizable legal entity or to plead an actionable 42 U.S.C. § 1983 claim by attempting to submit an amended complaint. Even if liberally construing the amended complaint as an objection to the report and recommendation, the court finds that plaintiff has failed to provide any legal authority to remedy the fatal flaws in his action. Further, as the magistrate judge rightly notes, although casting his action as a § 1983 action, plaintiff

essentially seeks federal review of a previously entered state court judgment. This runs afoul of the Rooker-Feldman doctrine, and no amount of amending could change that. The magistrate judge's report and recommendation is well reasoned and correctly disposes of plaintiff's motion and the case, and for these reasons, the court adopts the report and recommendation [Doc. No. 3] in its entirety.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Plaintiff's complaint [Doc. No. 1] is summarily dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).

2. Plaintiff's application to proceed in forma pauperis [Doc. No. 2] is denied.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: January 8, 2008

s/David S. Doty
David S. Doty, Judge
United States District Court